

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of )  
Patricia L. Smaldone et al. ) Group Art Unit: TBA  
Serial No. TBA ) Examiner: TBA  
Filed: February 28, 2004 ) Docket No. 005127.00282  
For: ARTICLE OF FOOTWEAR HAVING A )  
SOLE STRUCTURE WITH ADJUSTABLE )  
CHARACTERISTICS )

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

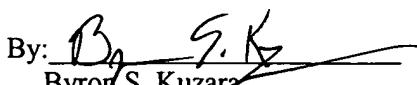
Pursuant to the duty of disclosure set forth in 37 C.F.R. §1.56(a), applicants bring the documents listed on the attached PTO-1449 form to the attention of the Examiner in the above-identified patent application and respectfully request that the Examiner consider these documents. A copy of each "Foreign Patent Document" and "Other Document" listed on Form PTO-1449 is enclosed herewith.

This Information Disclosure Statement is being filed with the above application and, therefore, neither a certification under 37 C.F.R. §1.97(e) nor a fee under 37 C.F.R. §1.17(p) is required. Should a fee be deemed necessary for consideration of this Information Disclosure Statement, however, the Commissioner is authorized to debit deposit account number 19-0733.

Applicant respectfully requests that the documents cited on the attached PTO-1449 form be made officially of record, and that a listing of the documents appear on the face of any patent that may issue from this application.

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Dated: January 28, 2004

Respectfully submitted,

By:   
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<b>FORM PTO-1449 US DEPARTMENT OF COMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE BY APPLICANT</b>  (Use several sheets if necessary)		<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO.</b>
		005127.00282	
		<b>APPLICANT</b> Patricia L. Smaldone et al.	
<b>FILING DATE</b>	<b>GROUP</b>		
January 28, 2004			

**U.S. PATENT DOCUMENTS**

<b>EXAMINER INITIAL</b>	<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE IF APPROPRIATE</b>
	D298,583	11/22/1988	Yung-Mao			
	D315,634	03/26/1991	Yung-Mao			
	D433,216	11/07/2000	Avar et al.			
	507,490	10/24/1893	Gambino			
	607,086	07/12/1898	Safford			
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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES : NO :
	465.267	4/1914	France			: x
	1.227.420	4/1960	France			: x
	2 556 188	6/1985	France			x (Abstract only)
	806 647	2/1949	Germany			: x
	1 485 654	1/1965	Germany			: x
	3400997	7/1985	Germany			: x
	2 032 761	5/1980	United Kingdom			:
	2 173 987 A	10/1986	United Kingdom			:
	146188	11/1990	Japan			: x
	1526637 A1	12/1989	Soviet Union			: x
	21,594	7/1903	Great Britain			:
	7163	10/1906	Great Britain			:
	570 130	9/1974	Switzerland			: x
	1 036 287	1/1997	Spain			: x
	2 080 933	1/1990	Spain			: x

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Article entitled "Hoop Dreams" (Applicant does not know the date of publication; however, it is believed that the publication date for this reference is at least one year prior to the January 8, 2003 filing date for the present application), 1 page
		Advertisement for Aura "Introducing the exciting new performance driven 2001 Aura," 1 page
		Web page translation using babelfish, entitled "The tennis shoe with the motivating force" (Applicant does not know the date of publication; however, it is believed that the publication date for this reference is at least one year prior to the January 8, 2003 filing date for the present application), 2 pages
		FWN, Vol. 46, No. 38, September 17, 1990, "Marco Scatena puts spring in Athlon wearers' control," 1 page
		Spring- and Shock Absorber Bearing Spring Elements Springing Comfort with High Damping (Applicant does not know the date of publication; however, it is believed that the publication date for this reference is at least one year prior to the January 8, 2003 filing date for the present application), 3 pages
		Activ Power Spring System catalog, front and back pages with English translation of back page, 3 pages

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial citation if reference was considered. Draw line through citation if not in conformance to MPEP 609 and not considered. Include copy of this form with next communication to applicant.